

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

PEOPLE OF THE STATE OF NEW YORK, BY  
LETITIA JAMES, ATTORNEY GENERAL OF  
THE STATE OF NEW YORK,

Plaintiff,

v.

THE NATIONAL RIFLE ASSOCIATION OF  
AMERICA, WAYNE LAPIERRE, WILSON  
PHILLIPS, JOHN FRAZER, and JOSHUA  
POWELL

Defendants.

Index No. 451625/2020  
Motion Seq. No. 39

**AFFIRMATION IN SUPPORT OF PLAINTIFF’S OPPOSITION TO THE NRA’S  
MOTION FOR REVIEW OF THE SPECIAL MASTER’S RULING DATED  
NOVEMBER 29, 2022 PERTAINING TO ALLEGED DEFICIENCIES IN PLAINTIFF’S  
PRIVILEGE LOG AND PRODUCTION OF RECORDS**

Stephen C. Thompson, an attorney duly admitted to the Bar of this State, affirms  
under penalties of perjury pursuant to Civil Practice Law and Rules 2016 as follows:

1. I am an Assistant Attorney General in the Office of Letitia James, Attorney General  
of the State of New York (“OAG”), who appears on behalf of the People of the State of New York  
in this action.

2. I submit this Affirmation in support of Plaintiff’s opposition to the National Rifle  
Association of America’s (“NRA”) motion for review of the Special Master’s ruling dated  
November 29, 2022 pertaining to alleged deficiencies in Plaintiff’s privilege log and production  
of records.

3. I am familiar with the facts and circumstances set forth in this Affirmation, which  
are based upon my personal knowledge and information contained in the files of the OAG.

4. In February of 2021, the OAG produced the nonprivileged portions of its investigatory file to the parties in this action. That file contained approximately 1.5 million pages of documents and testimony obtained by the OAG during its investigation.

5. Attached as Exhibit A to this Affirmation is a true and correct copy of the OAG's February 18, 2021 responses and objections to the NRA's February 3, 2021 First Requests for Production of Documents.

6. Attached as Exhibit B to this Affirmation is a true and correct copy of the OAG's November 10, 2021 responses and objections to the NRA's October 14, 2021 Second Requests for Production of Documents.

Dated: New York, New York  
January 17, 2023

/s Stephen Thompson  
Stephen C. Thompson

**Attorney Certification Pursuant to Commercial Division Rule 17**

I, Stephen Thompson, an attorney duly admitted to practice law before the courts of the State of New York, certify that the Affirmation of Stephen Thompson in Support of Plaintiff's Opposition to the NRA's Motion for Review of the Special Master's Ruling Dated November 29, 2022 Pertaining to Alleged Deficiencies in Plaintiff's Privilege Log and Production of Records complies with the word count limit set forth in Rule 17 of the Commercial Division of the Supreme Court (22 NYCRR 202.70(g)) because the affirmation contains 247 words, excluding the parts exempted by Rule 17. In preparing this certification, I have relied on the word count of the word-processing system used to prepare this affirmation.

Dated: January 17, 2023  
New York, New York

/s/ Stephen Thompson  
Stephen C. Thompson

# EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

PEOPLE OF THE STATE OF NEW YORK, BY  
LETITIA JAMES, ATTORNEY GENERAL OF  
THE STATE OF NEW YORK,

Plaintiff,

v.

THE NATIONAL RIFLE ASSOCIATION OF  
AMERICA, INC., WAYNE LAPIERRE,  
WILSON PHILLIPS, JOHN FRAZER, and  
JOSHUA POWELL

Defendants.

Index No. 451625/2020

**PLAINTIFF'S RESPONSES  
AND OBJECTIONS TO  
DEFENDANT NRA'S FIRST  
REQUESTS FOR  
PRODUCTION**

Pursuant to Rule 3122 of the Civil Practice Law and Rules, Plaintiff, the People of the State of New York, by their attorney, LETITIA JAMES, Attorney General of the State of New York, hereby object and respond to Defendant National Rifle Association of America, Inc.'s ("NRA") First Requests for Production of Documents, dated February 3, 2021, as follows.

**GENERAL OBJECTIONS**

The following general responses and objections ("General Objections") are incorporated into each specific response and objection as if fully set forth therein:

1. These objections apply to Defendant's Instructions, Definitions, and each of Defendant's Requests for Production as if such objections were set forth in full in the response to each Request for Production and are not necessarily repeated in response to each individual Request for Production. The assertion of the same, similar, or additional objections in Plaintiff's specific objections to an individual Request for Production, or the failure to assert any additional objection to a Request for Production, does not and shall not be deemed to waive any of

Plaintiff's objections as set forth in this section.

2. Plaintiff objects to these Requests for Production to the extent that they seek documents or information that are not relevant to, nor reasonably calculated to lead to discovery of evidence relevant to, the allegations asserted in the Complaint.

3. Plaintiff objects to these Requests for Production to the extent that they are not sufficiently limited in time and/or scope.

4. Plaintiff objects to these Requests for Production to the extent that they seek to impose obligations that are broader than or inconsistent with those set forth in the Civil Practice Law and Rules.

5. Plaintiff objects to these Requests for Production to the extent that they call for the production of information or documents that are not in Plaintiff's possession, custody, or control.

6. Plaintiff objects to these Requests for Production to the extent that they seek the production of documents and/or information which are privileged, protected work product, confidential, proprietary, sensitive, relating to the privacy interests of nonparties, or otherwise protected from disclosure by law. The inadvertent production of any document or information that is privileged, was prepared in anticipation of litigation, or is otherwise immune from discovery shall not constitute a waiver of any privilege or of any other ground for objecting to discovery with respect to that document or information or of Plaintiff's right to object to the use of that information during any proceeding in this litigation or otherwise.

7. By responding to these Requests for Production, Plaintiff does not concede the materiality of the subject matters to which they refer. These responses are made expressly subject to, and without waiving or intending to waive, any questions or objections as to the

competency, relevancy, materiality, privilege, or admissibility as evidence or for any other purpose, of any of the documents or information produced in response hereto, or of the subject matter thereof, in any proceeding including the trial of this action or any subsequent proceeding.

8. Plaintiff objects to each and every document request to the extent it is overly broad, unduly burdensome, vague, ambiguous, or seeks documents that are equally available to Defendants and/or are publicly available. Plaintiff is willing to confer with Defendants to the extent necessary to tailor these requests.

9. The responses set forth below are based on information currently available to Plaintiff, who reserves the right to supplement, amend, or correct these responses.

### **REQUESTS FOR PRODUCTION**

**Request No. 1:** All Documents and Communications concerning the Investigation including, without limitation, all Documents referenced in the Attachment to the January 27, 2021 letter sent by Assistant Attorney General Stephen C. Thompson to Defendants' counsel, a copy of which is appended hereto as Exhibit B.

**Response to Request No. 1:** Plaintiff objects to this request to the extent that it seeks information protected from disclosure by attorney client privilege and attorney work product, is vague and ambiguous, is overly broad and unduly burdensome and seeks documents or information that are not relevant to, nor reasonably calculated to lead to discovery of evidence relevant to, the allegations asserted in the Complaint. Subject to and without waiving these objections, and subject to the General Objections, Plaintiff will produce non-privileged responsive documents to the extent they can be located after a reasonable search.

Dated: New York, New York  
February 18, 2021

LETITIA JAMES  
Attorney General of the State of New York

*Attorney for Plaintiff*

By:

/s/ Stephen C. Thompson

STEPHEN C. THOMPSON

Assistant Attorney General

28 Liberty Street

New York, New York 10005

Telephone: (212) 416-6183

Email: Stephen.Thompson@ag.ny.gov

To:

Sarah B. Rogers, Esq.

Brewer, Attorneys and Counselors

*Attorney for Defendant National Rifle*

*Association of America, Inc.*

750 Lexington Avenue, 14<sup>th</sup> Floor

New York, NY 10022

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## **EXHIBIT B**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

PEOPLE OF THE STATE OF NEW YORK, BY  
LETITIA JAMES, ATTORNEY GENERAL OF  
THE STATE OF NEW YORK,

Plaintiff,

v.

THE NATIONAL RIFLE ASSOCIATION OF  
AMERICA, INC., WAYNE LAPIERRE,  
WILSON PHILLIPS, JOHN FRAZER, and  
JOSHUA POWELL

Defendants.

Index No. 451625/2020

**PLAINTIFF'S RESPONSES  
AND OBJECTIONS TO  
DEFENDANT NRA'S SECOND  
REQUESTS FOR  
PRODUCTION**

Pursuant to Rule 3122 of the Civil Practice Law and Rules, Plaintiff, the People of the State of New York, by their attorney, LETITIA JAMES, Attorney General of the State of New York, hereby object and respond to Defendant National Rifle Association of America, Inc.'s ("NRA") Second Requests for Production of Documents, dated October 14, 2021, as follows.

**GENERAL OBJECTIONS**

The following general responses and objections ("General Objections") are incorporated into each specific response and objection as if fully set forth therein:

1. These objections apply to Defendant's Instructions, Definitions, and each of Defendant's Requests for Production as if such objections were set forth in full in the response to each Request for Production and are not necessarily repeated in response to each individual Request for Production. The assertion of the same, similar, or additional objections in Plaintiff's specific objections to an individual Request for Production, or the failure to assert any additional objection to a Request for Production, does not and shall not be deemed to waive any of

Plaintiff's objections as set forth in this section.

2. Plaintiff objects to these Requests for Production to the extent that they seek documents or information that are not relevant to, nor reasonably calculated to lead to discovery of evidence relevant to, the allegations asserted in the Amended and Supplemental Verified Complaint, dated August 16, 2021 (the "Complaint").

3. Plaintiff objects to these Requests for Production to the extent that they are not sufficiently limited in time and/or scope.

4. Plaintiff objects to these Requests to the extent that they relate to Defendant NRA's Counterclaims, because discovery on said Counterclaims is stayed by order of the Court and the parties' Stipulation.

5. Plaintiff objects to these Requests for Production to the extent that they seek to impose obligations that are broader than or inconsistent with those set forth in the Civil Practice Law and Rules.

6. Plaintiff objects to these Requests for Production to the extent that they call for the production of information or documents that are not in Plaintiff's possession, custody, or control, or are more readily available from other parties or sources.

7. Plaintiff objects to these Requests for Production to the extent that they seek the production of documents and/or information which are privileged, protected work product, prepared in anticipation of litigation or for trial, confidential, proprietary, sensitive, confidential law enforcement materials, relating to the privacy interests of nonparties, or otherwise protected from disclosure by law. The inadvertent production of any document or information that is privileged, was prepared in anticipation of litigation, or is otherwise immune from discovery shall not constitute a waiver of any privilege or of any other ground for objecting to discovery

with respect to that document or information or of Plaintiff's right to object to the use of that information during any proceeding in this litigation or otherwise.

8. By responding to these Requests for Production, Plaintiff does not concede the materiality of the subject matters to which they refer. These responses are made expressly subject to, and without waiving or intending to waive, any questions or objections as to the competency, relevancy, materiality, privilege, or admissibility as evidence or for any other purpose, of any of the documents or information produced in response hereto, or of the subject matter thereof, in any proceeding including the trial of this action or any subsequent proceeding.

9. Plaintiff objects to each and every document request to the extent it is overly broad, unduly burdensome, vague, ambiguous, or seeks documents that are equally available to Defendants and/or are publicly available. Plaintiff is willing to confer with Defendants to the extent necessary to tailor these requests.

10. The responses set forth below are based on information currently available to Plaintiff, who reserves the right to supplement, amend, or correct these responses.

### **REQUESTS FOR PRODUCTION**

#### **REQUEST FOR PRODUCTION NO. 2:**

All Documents and Communications relating to the drafting, contents, timing, and release of any of Your public statements concerning the NRA, whether in an official or an individual capacity.

#### **Response to Request No. 2:**

Plaintiff objects to this request to the extent that it seeks information protected from disclosure by various privileges, including the attorney client privilege, attorney work product privilege, deliberative process privilege, public interest privilege, common

interest privilege, and/or law enforcement privilege, on the ground that it was prepared in anticipation of litigation or for trial, on the ground that it is vague and ambiguous, is overly broad and unduly burdensome, is not material and necessary to the prosecution or defense of the action, and is not reasonably calculated to lead to discovery of evidence material and necessary to the prosecution or defense of the action. Moreover, Plaintiff objects to the Request to the extent that the Request is deemed to relate to Defendant NRA's counterclaims, about which the Court has ruled discovery is stayed and regarding which the NRA has stipulated discovery is stayed. Accordingly, Plaintiff will not produce documents responsive to this Request at this time.

**REQUEST FOR PRODUCTION NO. 3:**

For each statement attributed to James and listed in Table A below, please produce all Documents and Communications related to such statements, including but not limited to:

- i. Any talking points, scripts, prepared speeches, or prepared remarks for or by James containing such statements or referencing such statements;
- ii. Any transcripts or recordings of such statements by James;
- iii. Any calendar invitations for or photographs from the events at which these statements were made; and/or
- iv. Any of the foregoing types of materials that reflect any statements or contemplated statements by James to the effect of the statements listed in Table A below—or any other statements accusing the NRA of illegal behavior—during or in furtherance of the Campaign.

Table A

	Statement or Reported Statement by Letitia James (underline indicates emphasis added)	Approximate Date/Event
A.	“The NRA is an <u>organ of deadly propaganda</u> masquerading as a charity for public good.”	July 12, 2018 Press Release <sup>2</sup>
B.	“As Attorney General, Tish James <u>will target the NRA</u> , take on arms manufacturers and dealers, investigate financial backing of gun makers and sellers, and <u>build new models to take on interstate arms trafficking</u> .”	July 12, 2018 Press Release <sup>3</sup>
C.	“Together, we can . . . <u>take on . . . the @nra . . .</u> ”	September 1, 2018 <sup>4</sup>
D.	“[W]e CAN <u>take down the NRA</u> . We CANNOT waiver on gun control. That’s why I’m running.”	September 3, 2018 <sup>5</sup>
E.	“[The NRA] are nothing more than a <u>criminal enterprise</u> . We are waiting to take on all of the banks that finance them, their investors.”	August 30, 2018, Published Interview with Our Time Press <sup>6</sup>

<sup>2</sup> Tish James for Attorney General Press Release, Tish James Announces Attorney General Platform to Protect New Yorkers from Gun Violence, July 12, 2018, <https://www.tishjames2018.com/press-releases/2018/7/12/taking-on-the-scourge-of-gun-violence-and-keeping-new-yorkers-safe/> (Last Visited, October 14, 2021).

<sup>3</sup> *Id.*

<sup>4</sup> @TishJames Twitter post.

<sup>5</sup> @TishJames Twitter post.

<sup>6</sup> Tish James Becomes New York’s Attorney General – First Black Woman Elected to Statewide Office, Our Time Press (Nov. 8, 2018), <https://ourtimepress.com/tish-james-becomes-new-yorks-attorney-general-first-black-woman-elected-to-statewide-office/> (Last Visited, October 14, 2021).

	Statement or Reported Statement by Letitia James (underline indicates emphasis added)	Approximate Date/Event
F.	“the NRA . . . <u>is a criminal enterprise.</u> ”	September 4, 2018, Video of “Evening with the Candidates” Forum for the Democratic Attorney General Primary Candidates hosted by New York City Bar Association <sup>7</sup>
G.	““NRA . . . needs to be held accountable for the destruction and the loss of lives . . . ”	September 27, 2018 <sup>8</sup>
H.	“James said that she made no distinction between the lobbying and charitable arms of the NRA.”	September 27, 2018 <sup>9</sup>
I.	“When I’m Attorney General I’ll <u>take on the @NRA</u> and investigate their status as a non-profit.”	October 8, 2018 <sup>10</sup>
J.	“Tums out they [the NRA] don't like it . . . if you pledge to investigate their status as a non-profit as the next AG of NY.”	October 10, 2018 <sup>11</sup>
K.	“The NRA holds [itself] out as a charitable organization, but in fact, [it] really [is] <u>a terrorist organization.</u> ”	October 31, 2018, Published Interview with <i>Ebony</i> <sup>12</sup>
L.	“Let me be clear: when I take office I will investigate the non-profit status of the NRA & take every legal step I can to help ensure another life isn't lost to senseless gun violence. #GunControlNow”	November 8, 2018 <sup>13</sup>

<sup>7</sup> Available at [https://www.youtube.com/watch?v=6n2\\_LHNEUW0](https://www.youtube.com/watch?v=6n2_LHNEUW0) (statement at the 17:50 mark).

<sup>8</sup> <http://liherald.com/stories/nassau-protests-nra-fundraiser,107617> (Oct. 25, 2018) (Last Visited, October 14, 2021).

<sup>9</sup> *Id.*

<sup>10</sup> @TishJames Twitter post.

<sup>11</sup> @TishJames Twitter post.

<sup>12</sup> Letitia ‘Tish’ James on Becoming New York’s Next Attorney General, EBONY (Oct. 31, 2018) <https://www.ebony.com/news/letitia-tish-james-on-becoming-new-yorks-next-attorney-general/> (Last Visited, October 14, 2021).

<sup>13</sup> @TishJames Twitter post.

**Response to Request No. 3:**

Plaintiff objects to this request to the extent that it seeks information protected from disclosure by various privileges, including the attorney client privilege, attorney work product privilege, deliberative process privilege, public interest privilege, common interest privilege, and/or law enforcement privilege, on the ground that it was prepared in anticipation of litigation or for trial, on the ground that it is vague and ambiguous, is overly broad and unduly burdensome, is not material and necessary to the prosecution or defense of the action, and is not reasonably calculated to lead to discovery of evidence material and necessary to the prosecution or defense of the action. Moreover, Plaintiff objects to the Request to the extent that the Request is deemed to relate to Defendant NRA's counterclaims, about which the Court has ruled discovery is stayed and regarding which the NRA has stipulated discovery is stayed. Accordingly, Plaintiff will not produce documents responsive to this Request at this time.

**REQUEST FOR PRODUCTION NO. 4:**

All Documents and Communications concerning public roundtables, discussion groups, meetings or other public gatherings in which the NRA was referenced or discussed by James, whether during her Campaign or as Attorney General, including but not limited to, the September 27, 2018 roundtable event in Mineola, New York referenced above in Request for Production No. 3, Table A. Concerning the September 27, 2018 roundtable event, please produce all Documents and Communications including, but not limited to: (i) drafts or recordings of James's speeches or remarks; (ii) communications related to the planning of the roundtable event and the decision to schedule it the same day as a Friends of the NRA fundraiser held in New Hyde Park, New York; (iii) communications



related to whether and how holding the roundtable event was intended to or would likely help James get elected as the Attorney General for the State of New York; and/or (iv) any photographs, transcripts or recordings from the event.

**Response to Request No. 4:**

Plaintiff objects to this request to the extent that it seeks information protected from disclosure by various privileges, including the attorney client privilege, attorney work product privilege, deliberative process privilege, public interest privilege, common interest privilege, and/or law enforcement privilege, on the ground that it was prepared in anticipation of litigation or for trial, on the ground that it is vague and ambiguous, is overly broad and unduly burdensome, is not material and necessary to the prosecution or defense of the action, and is not reasonably calculated to lead to discovery of evidence material and necessary to the prosecution or defense of the action. Moreover, Plaintiff objects to the Request to the extent that the Request is deemed to relate to Defendant NRA's counterclaims, about which the Court has ruled discovery is stayed and regarding which the NRA has stipulated discovery is stayed. Accordingly, Plaintiff will not produce documents responsive to this Request at this time.

**REQUEST FOR PRODUCTION NO. 5:**

All Documents and Communications concerning Campaign materials and/or Campaign fundraising materials, referring to the NRA—directly or indirectly—including but not limited to, any materials referencing the statements set forth in Request for Production No. 3, Table A.

**Response to Request No. 5:**

Plaintiff objects to this request to the extent that it seeks information protected from

disclosure by various privileges, including the attorney client privilege, attorney work product privilege, deliberative process privilege, public interest privilege, common interest privilege, and/or law enforcement privilege, on the ground that it was prepared in anticipation of litigation or for trial, on the ground that it is vague and ambiguous, is overly broad and unduly burdensome, is not material and necessary to the prosecution or defense of the action, and is not reasonably calculated to lead to discovery of evidence material and necessary to the prosecution or defense of the action. Moreover, Plaintiff objects to the Request to the extent that the Request is deemed to relate to Defendant NRA's counterclaims, about which the Court has ruled discovery is stayed and regarding which the NRA has stipulated discovery is stayed. Accordingly, Plaintiff will not produce documents responsive to this Request at this time.

**REQUEST FOR PRODUCTION NO. 6:**

All Documents and Communications concerning the drafting, contents, timing, and release of any of Campaign statements, Campaign fundraising statements and/or donor solicitations referencing the NRA, directly or indirectly, including but not limited to, the fundraising solicitation issued by James on or about August 6, 2020, a copy of which is annexed hereto as Exhibit B.

**Response to Request No. 6:**

Plaintiff objects to this request to the extent that it seeks information protected from disclosure by various privileges, including the attorney client privilege, attorney work product privilege, deliberative process privilege, public interest privilege, common interest privilege, and/or law enforcement privilege, on the ground that it was prepared in anticipation of litigation or for trial, on the ground that it is vague and ambiguous, is overly

broad and unduly burdensome, is not material and necessary to the prosecution or defense of the action, and is not reasonably calculated to lead to discovery of evidence material and necessary to the prosecution or defense of the action. Moreover, Plaintiff objects to the Request to the extent that the Request is deemed to relate to Defendant NRA's counterclaims, about which the Court has ruled discovery is stayed and regarding which the NRA has stipulated discovery is stayed. Accordingly, Plaintiff will not produce documents responsive to this Request at this time.

**REQUEST FOR PRODUCTION NO. 7:**

All Documents and Communications relating to the drafting, contents, timing, and release of any of Your and/or the Campaign's press releases concerning the NRA.

**Response to Request No. 7:**

Plaintiff objects to this request to the extent that it seeks information protected from disclosure by various privileges, including the attorney client privilege, attorney work product privilege, deliberative process privilege, public interest privilege, common interest privilege, and/or law enforcement privilege, on the ground that it was prepared in anticipation of litigation or for trial, on the ground that it is vague and ambiguous, is overly broad and unduly burdensome, is not material and necessary to the prosecution or defense of the action, and is not reasonably calculated to lead to discovery of evidence material and necessary to the prosecution or defense of the action. Moreover, Plaintiff objects to the Request to the extent that the Request is deemed to relate to Defendant NRA's counterclaims, about which the Court has ruled discovery is stayed and regarding which the NRA has stipulated discovery is stayed. Accordingly, Plaintiff will not produce documents responsive to this Request at this time.

**REQUEST FOR PRODUCTION NO. 8:**

All Documents and Communications between James and former Governor Andrew Cuomo (“Cuomo”) concerning the NRA, including but not limited to, concerning Cuomo’s endorsement of James for New York State Attorney General.

**Response to Request No. 8:**

Plaintiff objects to this request to the extent that it seeks information protected from disclosure by various privileges, including the attorney client privilege, attorney work product privilege, deliberative process privilege, public interest privilege, common interest privilege, and/or law enforcement privilege, on the ground that it was prepared in anticipation of litigation or for trial, on the ground that it is vague and ambiguous, is overly broad and unduly burdensome, is not material and necessary to the prosecution or defense of the action, and is not reasonably calculated to lead to discovery of evidence material and necessary to the prosecution or defense of the action. Moreover, Plaintiff objects to the Request to the extent that the Request is deemed to relate to Defendant NRA’s counterclaims, about which the Court has ruled discovery is stayed and regarding which the NRA has stipulated discovery is stayed. Accordingly, Plaintiff will not produce documents responsive to this Request at this time.

**REQUEST FOR PRODUCTION NO. 9:**

All Documents and Communications concerning the Investigation, including but not limited to: (i) concerning authorization of the commencement of the Investigation, and (ii) evidencing the date of the commencement of the Investigation.

**Response to Request No. 9:**

Plaintiff objects to this request to the extent that it seeks information protected from

disclosure by various privileges, including the attorney client privilege, attorney work product privilege, deliberative process privilege, public interest privilege, common interest privilege, and/or law enforcement privilege, on the ground that it was prepared in anticipation of litigation or for trial, on the ground that it is vague and ambiguous, is overly broad and unduly burdensome, is not material and necessary to the prosecution or defense of the action, and is not reasonably calculated to lead to discovery of evidence material and necessary to the prosecution or defense of the action. Moreover, Plaintiff objects to the Request to the extent that the Request is deemed to relate to Defendant NRA's counterclaims, about which the Court has ruled discovery is stayed and regarding which the NRA has stipulated discovery is stayed. Notwithstanding the foregoing, and without waiving the objections stated herein, Plaintiff states that it has already produced to the NRA in this action all discoverable factual information from the investigation with the exception of documents and information that are protected from disclosure by one or more of the aforementioned privileges or otherwise under the law. Accordingly, Plaintiff will not produce documents responsive to this Request.

**REQUEST FOR PRODUCTION NO. 10:**

All Documents and Communications related to formal or informal interviews conducted by You or any of Your staff, attorneys or other representatives, during the Investigation, including but not limited to, transcripts of interviews, notes of interviews, exhibits used during interviews, and lists of individuals interviewed and present during the interviews, and including but not limited to, the dates of such interviews.

**Response to Request No. 10:**

Plaintiff objects to this request to the extent that it seeks information protected from

disclosure by various privileges, including the attorney client privilege, attorney work product privilege, deliberative process privilege, public interest privilege, common interest privilege, and/or law enforcement privilege, on the ground that it was prepared in anticipation of litigation or for trial, on the ground that it is vague and ambiguous, is overly broad and unduly burdensome, is not material and necessary to the prosecution or defense of the action, and is not reasonably calculated to lead to discovery of evidence material and necessary to the prosecution or defense of the action. Notwithstanding the foregoing, and without waiving the objections stated herein, Plaintiff states that it has already produced to the NRA in this action all discoverable factual information from the investigation with the exception of documents and information that are protected from disclosure by one or more of the aforementioned privileges or otherwise under the law. Accordingly, Plaintiff will not produce documents responsive to this Request.

**REQUEST FOR PRODUCTION NO. 11:**

All Documents and Communications concerning continuation or termination of any Person's business relationship with the NRA, including but not limited to, Communications between (a) You, and (b) that Person.

**Response to Request No. 11:**

Plaintiff objects to this request to the extent that it seeks information protected from disclosure by various privileges, including the attorney client privilege, attorney work product privilege, deliberative process privilege, public interest privilege, common interest privilege, and/or law enforcement privilege, on the ground that it was prepared in anticipation of litigation or for trial, on the ground that it is vague and ambiguous, is overly broad and unduly burdensome, is not material and necessary to the prosecution or defense

of the action, and is not reasonably calculated to lead to discovery of evidence material and necessary to the prosecution or defense of the action. Moreover, Plaintiff objects to the Request to the extent that the Request is deemed to relate to Defendant NRA's counterclaims, about which the Court has ruled discovery is stayed and regarding which the NRA has stipulated discovery is stayed. Accordingly, Plaintiff will not produce documents responsive to this Request.

**REQUEST FOR PRODUCTION NO. 12:**

All Documents and Communications concerning any changes in the NRA's (a) internal governance, or (b) internal policies and procedures, including but not limited to, Documents and Communications regarding any internal or external audit performed by or for the NRA of its (i) internal policies and procedures, or (ii) financial and/or accounting records.

**Response to Request No. 12:**

Plaintiff objects to this request to the extent that it seeks information protected from disclosure by various privileges, including the attorney client privilege, attorney work product privilege, deliberative process privilege, public interest privilege, common interest privilege, and/or law enforcement privilege, on the ground that it was prepared in anticipation of litigation or for trial, on the ground that it is vague and ambiguous, is overly broad and unduly burdensome, is not material and necessary to the prosecution or defense of the action, and is not reasonably calculated to lead to discovery of evidence material and necessary to the prosecution or defense of the action. In addition, documents responsive to the Request are already in the possession, custody, or control of Defendant NRA. Notwithstanding the foregoing, and without waiving the objections stated herein,

Plaintiff states that it has already produced to the NRA in this action all discoverable factual information from the investigation with the exception of documents and information that are protected from disclosure by one or more of the aforementioned privileges or otherwise under the law. Accordingly, Plaintiff will not produce documents responsive to this Request.

**REQUEST FOR PRODUCTION NO. 13:**

All Documents and Communications concerning the NRA between You and any of the following entities—whether directly or indirectly—including but not limited to, any of the entities’ current or former officers, employees, contractors, investigators, attorneys, agents, representatives, predecessors-in-interest, or designees.

1. Edward Skyler;
2. Cuomo;
3. Office of the Attorney General for the District of Columbia;
4. New York State Department of Financial Services;
5. Michael R. Bloomberg and/or any other Campaign donor or supporter;
6. Everytown;
7. Moms Demand Action;
8. Moms Demand Action for Gun Sense in America;
9. Gays Against Guns;
10. Pod Save America;
11. Berkshire Bank;
12. Citibank;
13. Citizens Financial Group;
14. People’s United Bank;



15. Regions Financial Corp.;
16. TD Bank;
17. Truist Financial (formerly BB&T Corp.); and/or
18. Former or current members of the NRA's Board of Directors, the NRA's officers, employees, or representatives of vendors of the NRA or any witnesses whose testimony or out-of-court statements You may offer in evidence at trial or any pretrial hearing in this Action, including but not limited to, Wilson "Woody" Phillips, Joshua Powell, Wayne LaPierre, John Frazer, Christopher Cox, Oliver North, Mildred Hallow, Peter Brownell, Richard Childress, Daniel Boren, Esther Schneider, Roscoe "Rocky" Marshall, Phillip Journey, Ackerman McQueen, Inc., Aronson, LLC, RSM US LLP, J. Stephen Hart, Michael Volkov, and/or Cooper & Kirk LLP.

In complying with this request, for any meeting or other Communication, please produce, without limitation, all Documents related to:

- (a) any scheduling communications, including but not limited to, calendar invitations, sent in advance of any such meetings or Communications,
- (b) evidence of any planned, cancelled, or actual communications with these individuals or entities concerning the NRA,
- (c) email messages,
- (d) other Outlook or similar application records,
- (e) text messages or other instant messages,
- (f) voicemails,

(g) materials used or created for, during, or after such meetings or Communications (such as PowerPoint presentations, meeting agenda(s), handouts, meeting notes, action or follow up items, or transcripts), and/or

(h) summary memoranda or similar documents prepared in conjunction with or after such meetings or other Communications.

**Response to Request No. 13:**

Plaintiff objects to this request to the extent that it seeks information protected from disclosure by various privileges, including the attorney client privilege, attorney work product privilege, deliberative process privilege, public interest privilege, common interest privilege, and/or law enforcement privilege, on the ground that it was prepared in anticipation of litigation or for trial, on the ground that it is vague and ambiguous, is overly broad and unduly burdensome, is not material and necessary to the prosecution or defense of the action, and is not reasonably calculated to lead to discovery of evidence material and necessary to the prosecution or defense of the action. Moreover, Plaintiff objects to the Request to the extent that the Request is deemed to relate to Defendant NRA's counterclaims, about which the Court has ruled discovery is stayed and regarding which the NRA has stipulated discovery is stayed. Notwithstanding the foregoing, and without waiving the objections stated herein, Plaintiff states that it has already produced to the NRA in this action all discoverable factual information from the investigation with the exception of documents and information that are protected from disclosure by one or more of the aforementioned privileges or otherwise under the law. Accordingly, Plaintiff will not produce documents responsive to this Request.

**REQUEST FOR PRODUCTION NO. 14:**

All Documents and Communications in effect since January 1, 2011 concerning Your internal or publicly disclosed guidance, guidelines, directives, policies and/or procedures for seeking the involuntary judicial dissolution of not-for-profit corporations.

**Response to Request for Production No. 14:**

Plaintiff objects to this request to the extent that it seeks information protected from disclosure by various privileges, including the attorney client privilege, attorney work product privilege, deliberative process privilege, public interest privilege, common interest privilege, and/or law enforcement privilege, on the ground that it was prepared in anticipation of litigation or for trial, on the ground that it is vague and ambiguous, is overly broad and unduly burdensome, is not material and necessary to the prosecution or defense of the action, and is not reasonably calculated to lead to discovery of evidence material and necessary to the prosecution or defense of the action. Moreover, Plaintiff objects to the Request to the extent that the Request is deemed to relate to Defendant NRA's counterclaims, about which the Court has ruled discovery is stayed and regarding which the NRA has stipulated discovery is stayed. Accordingly, Plaintiff will not produce documents responsive to this Request.

**REQUEST FOR PRODUCTION NO. 15:**

All Documents and Communications referring to or describing any entity for which You have sought involuntary judicial dissolution as a "sham."

**Response to Request No. 15:**

Plaintiff objects to this request to the extent that it seeks information protected from

disclosure by various privileges, including the attorney client privilege, attorney work product privilege, deliberative process privilege, public interest privilege, common interest privilege, and/or law enforcement privilege, on the ground that it is vague and ambiguous, its meaning is difficult to ascertain, is overly broad and unduly burdensome, and seeks documents or information that are not relevant to, nor reasonably calculated to lead to, discovery of evidence relevant to the allegations asserted in the Complaint or to this action. Moreover, Plaintiff objects to the Request to the extent that the Request is deemed to relate to Defendant NRA's counterclaims, about which the Court has ruled discovery is stayed and regarding which the NRA has stipulated discovery is stayed. Accordingly, Plaintiff will not produce documents responsive to this Request.

**REQUEST FOR PRODUCTION NO. 16:**

All Document preservation notices effectuating Your obligations to preserve documents and other things in light of pending or anticipated litigation against You.

**Response to Request No. 16:**

Plaintiff objects to this request to the extent that it seeks information protected from disclosure by various privileges, including the attorney client privilege, attorney work product privilege, deliberative process privilege, public interest privilege, common interest privilege, and/or law enforcement privilege, on the ground that it was prepared in anticipation of litigation or for trial, on the ground that it is vague and ambiguous, is overly broad and unduly burdensome, is not material and necessary to the prosecution or defense of the action, and is not reasonably calculated to lead to discovery of evidence material and necessary to the prosecution or defense of the action. Moreover, Plaintiff objects to the Request to the extent that the Request is deemed to relate to Defendant NRA's

counterclaims, about which the Court has ruled discovery is stayed and regarding which the NRA has stipulated discovery is stayed. Accordingly, Plaintiff will not produce documents responsive to this Request.

Dated: New York, New York  
November 10, 2021

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